

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

<p>ROBERT A. LATHAM, Individually and on Behalf of All Others Similarly Situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>MITCHELL J. STEIN, BILL MATTHEWS, PAMELA M. BUNES, BUDIMIR S. DRAKULIC, ROBERT C. SCHERNE, KEVIN F. PICKARD, LOWELL T. HARMISON, MARVIN H. FINK and SIGNALIFE, INC.</p> <p>Defendants.</p>	<p>Case No. 08-cv-2995-RBH</p>
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[illegible]

**DEFENDANT BUDIMIR DRAKULIC'S REPLY IN SUPPORT OF HIS MOTION
TO DISMISS PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT**

In response to Budimir Drakulic's Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint ("Motion"), Plaintiffs have simply re-filed their same Opposition to the other defendants' motions to dismiss, previously filed May 1, 2009. (D.I. 66). Plaintiffs do not even mention Drakulic in any of the arguments in their Opposition, much less address the deficiencies

with Plaintiffs' complaint raised in Drakulic's Motion. Specifically, Plaintiffs offer no response or opposition to Drakulic's argument that plaintiffs have failed to identify any facts suggesting scienter on his part as an individual, as is required under the Private Securities Litigation Reform Act to state a claim for securities fraud. (Mot. at 2). By altogether failing to address Drakulic's Motion, plaintiffs have conceded that their claims against Drakulic are groundless and should be dismissed.

For the foregoing reasons and the reasons noted in his initial Memorandum in Support of his Motion, defendant Budimir Drakulic respectfully asks that the Court dismiss the claims against him.

Respectfully submitted,

s/Susan P. McWilliams

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